IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 32820 of 2006(F)

PETITIONER:

K.KAMALAMMA, W/O. K.RAJAN, AGED 53,
RESIDING AT RESHMI BHAVANAM, PRAYAR NORTH,
PRAYAR P.O., OACHIRA, KAYAMKULAM.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS:

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1. JOINT REGISTRAR (GENERAL),
CO-OPERATIVE SOCIETIES, ALAPPUZHA.

2. THE KANDALLOOR FARMERS SERVICE CO-OP.
BANK LTD. NO.1410, KANDALLOOR P.O.,
KAYAMKULAM, REP. BY ITS SECRETARY.

3. PRESIDENT,
THE KANDALLOOR FARMERS SERVICE CO-OPERATIVE
BANK LTD. NO.1410, KANDALLOOR P.O.,
KAYAMKULAM.

4. THE DIRECTOR,
VIGILANCE AND ANTI CORRUPTION BUREAU,
TRIVANDRUM.

5. THE PRINCIPAL SECRETARY,
STATE OF KERALA, GOVT. SECRETARIAT,
TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.P.K.RAVIKRISHNAN.
SRI.V.G.ARUN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) 32820/2006

APPENDIX

Petitioner's Exhibits:

Ext.P1 True copy of Rule 185 of Kerala Co-operative Societies Rules framed by the second respondent.

Ext.P2 True copy of letter dated 19.10.2001 of the 3rd respondent.

Ext.P3 True copy of letter dated 16.5.2003 of the 3rd respondent.

Ext.P4 True copy of letter dated 15.6.2004 of the Deputy Superintendent of Police, VACB, Alappuzha.

Ext.P5 True copy of letter dated 22.6.2004 submitted by the petitioner.

Ext.P6 True copy of minutes recorded by the then Managing Director S.Devarajan.

Ext.P7 True copy of minutes of the resolution approving the sale.

Ext.P8 True copy of letter dated 28.11.2006 of the 1st respondent.

Ext.P9 True copy of letter dated 24.1.2006 of the Director VACB to the Principle Secretary.

Ext.P10 True copy of FIR in Crime No.VC13 of 20-05

Ext.P11 True copy of Resolution No.349 dated 2.12.06 issued by Board of Directors of 2nd respondent.

Ext.P12 True copy of explanation dated 4.12.2006 by the petitioner.

Ext.P13 True copy of resolution No.350 dated 7.12.2006 of the 2nd respondent.

//true copy//

P.S. to Judge.

J.M. JAMES, J.

W.P.(C) No.32820 of 2006

Dated this the 21st December, 2006.

J U D G M E N T

4th respondent, The Director of Vigilance and Anti Corruption Bureau, Trivandrum, has filed a counter stating that the investigation is complete, and the matter is pending for filing the final report before the Court of Enquiry Commissioner and Special Judge, Thiruvananthapuram. The writ petitioner alleges that the second respondent, Bank, is proposing to suspend the petitioner, basing on Ext.P8 direction of the first respondent, in pursuance of the direction of the 4th respondent under Ext.P9. The facts reveal that the writ petitioner and few others had misappropriated certain amounts while they were working in the second respondent, Bank, during different periods from 1998 to 2001. Therefore, the writ petitioner along with others had been proceeded against under the criminal laws, punishable for the offence under Sections 13(2) and 13(1)(d) of the Prevention of Corruption Act, 1988, as well as under Sections 409 and 120B of IPC.

2. Counsel for the second respondent submits that as per the records available with the Bank, the writ petitioner is not the Managing Director of the second respondent, Bank, and, therefore, the materials will have to be produced before the Trial Court in that regard.

3. Without entering into any discussion on the merit of the matter, I dispose of the writ petition, directing the second respondent, Bank, to independently decide whether the writ petitioner has to be kept under suspension, particularly, when the investigation is complete. To enable the same, I direct that Exts.P8 and P9 shall be kept in abeyance.

J.M. JAMES,
JUDGE

nj.